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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/800,713 | 03/06/2001 | Philip M. Abram | 50N3704.01 | 4047 |

7590 01/13/2003

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EXAMINER

WALLERSON, MARK E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2622

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/800,713

Applicant(s)
Abram et al

Examiner
Mark Wallerson

Art Unit
2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 4, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **11/4/2002.**

2. This application has been reconsidered. Claims 1-50 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-20, 35, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico in view of Mirando.

With respect to claims 17, 20, 35, and 49, Manico discloses a system for generating photographic images wherein digital images are sent to a service provider (440) so that a coloring book software (460) can be applied to the image and sent to the customer's home (490), a kiosk (520) or a library (540). Manico also discloses means for printing the images (column 4, lines 37-45).

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Manico differs from claims 17, 35, and 49 in that he does not clearly disclose filling in the digital image of the coloring book image. Mirando discloses a video coloring book wherein image regions are automatically filled in with a color corresponding to a crayon (column 3, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Manico as modified in order to make the system more user friendly.

With regard to claims 18 and 19, Manico discloses that a fee is charged for printing at the kiosk (column 4, lines 37-45).

5. Claims 1, 4-10, 13, 14, 15 16, 21, 22, 26-30, 32, 33, 34, 36, 37, 41-48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico (U. S. 6,373,551) in view of Tostevin (U. S. 6,061,462) and Mirando (U. S. 6,238,217).

With respect to claims 1, 4, 8, 9, 10, 13,15, 16, 21, 22, 26, 27, 29, 31, 32, 33, 34, 36, 37, 41, 43, 45, 46, 47, 48, and 50, Manico discloses a system for generating photographic images wherein digital images are sent to a service provider (440) so that a coloring book software (460) can be applied to the image and sent to the customer's home (490), a kiosk (520) or a library (540). Manico also discloses means for printing the images (column 4, lines 37-45).

Manico differs from claims 1, 10, 21, 22, 33, 34, 36, 47, 48, and 50 in that he does not clearly disclose rendering the line-art image from a digital image. Tostevin discloses rendering a line-art image from a digital image (the abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Manico to render line-art

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images. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Manico by the teaching of Tostevin in order to improve image processing.

Further with respect to claims 1, 8, 10, 15, 21, 31, 33, 34, 36, 45, 47, 48, and 50, Manico as modified differs from claims 1, 10, 21, 33, 34, 36, 47, 48, and 50 in that he does not clearly disclose filling in the digital image of the coloring book image. Mirando discloses a video coloring book wherein image regions are automatically filled in with a color corresponding to a crayon (column 3, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Manico as modified in order to make the system more user friendly.

With regard to claims 5, 6, 7, 14, 28, 30, 42, 43 and 44, Manico discloses that a fee is charged for printing at the kiosk (column 4, lines 37-45).

6. Claims 2, 3, 11, 12, 23-25, 38, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico in view of Tostevin and Mirando as applied to claims 1, 10, and 37 above, and further in view of Schipper (EP 0713788).

With respect to claims 2, 3, 11, 12, 23-25, 38, 39, and 40, Manico as modified differs from claims 2, 3, 11, 12, 38, 39, and 40 in that he does not clearly disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample. Schipper discloses dividing an image formed on an electronic camera into contoured fields or regions. The fields are given an identifier and the image is printed out, thereby enabling

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automatic generation of painting by numbers originals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Manico as modified in order to assist the user in coloring the images.

Response to Arguments

7. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. All claims are rejected.

9. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY

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ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

MARK WALLERSON
PRIMARY EXAMINER

Mark Wallerson